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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 July 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07/03/2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05/25/2004*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-21 are currently pending and have been considered below.

Claim Objections

2.   Claims 16 and 17 objected to under 37 CFR 1.75(c), as being of improper

dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s)

in proper dependent form, or rewrite the claim(s) in independent form. Claims 16 and 17

are independent claims and should be written as such.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine,
> manufacture, or composition of matter, or any new and useful improvement
> thereof, may obtain a patent therefor, subject to the conditions and requirements
> of this title.

4.   **Claims 18 and 19 are rejected under 35 U.S.C. 101** because they both

describe an invention which is nothing more than a "computer data signal." Data

signals, in and of themselves, are not patentable, regardless of their function. Data

signals, by themselves, do not constitute a process, machine, manufacture, composition

of matter, or improvement thereof.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

6.   **Claims 1-3, 5-11, 14, 16, 18, 20, and 21 are rejected under 35 U.S.C. 103(a)**

as being unpatentable over Simpson (Pub. # 20010005834 A1), in view of Schilling

(Pub. #200030035138).

As per claim 1, Simpson teaches a method for enabling a user to send a

customized gift package to a recipient, comprising:

offering a plurality of customized gift packages to a user (paragraphs 3 and 9;

teaching a plurality of gift cards and gifts available to the user);

receiving a selected gift package option from a user (paragraph 57; via the

selection of the gift wrap box);

offering a plurality of gift options to the user (paragraphs 53-57; teaching a series

of customization options);

receiving a selected gift option from a user (paragraph 37; teaching a card

selection technique for online users);

transmitting information corresponding to the selected gift package option and

the selected gift option to at least one point of distribution for assembly and shipping of

a customized gift package comprising the selected gift package option and the selected

gift option (paragraph 37; teaching a method wherein the "company offering the card

and maintaining the web site" creates and ships the customized gift cards package).

Simpson fails to teach the method of offering a plurality of art options that

includes offering to receive a graphic file from a user.

Schilling teaches an Internet based method that customized package orders with

the concept of offering to receive a graphic file from a user for purposes of using the

graphic file for customized packages (paragraph 139; teaching a method wherein "the

graphics from the selected file from the customer's computer is uploaded to a server" for

purposes of creating custom packages).

From this teaching of Schilling, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the method of

Simpson to include the option to receive a graphic file from a user, as taught by

Schilling, for the purpose of providing the user with enhanced customization options.

As per claim 2, Simpson teaches the claimed invention, as described in claim 1,

and further teaches offering a plurality of art options that includes the recipient's name

(paragraph 138; teaching a method wherein the purchaser is asked for the name of the

recipient for purposes of gift card customization), and teaches offering a plurality of art

options that includes a user's name (paragraph 54; teaching a method that includes

writing a personal message which may include the user's name).

Simpson does not teach offering a plurality of art options that includes a logo.

Schilling teaches an Internet based method that customized package orders with the

concept of offering a user the ability to upload a logo (paragraph 139; teaching a method wherein the user may upload "logo(s) (i.e., the graphics)" to be included in a custom package).

From this teaching of Schilling, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Simpson to include the option to receive a logo from a user, for the purpose of providing the user with enhanced customization options.

As per claim 3, Simpson teaches the claimed invention, as described in claim 1, and further teaches receiving a shipping destination from a user (paragraph 59; teaching a method of receiving "an appropriate shipping address" which is "obtained by the web site during the purchasing process" in order to permit the shipper to know where to send the gift).

Simpson does not teach determining shipping methods based on the shipping destination and selected gift option; offering the determined shipping methods to a user; receiving a selected shipping option from a user; and, transmitting information corresponding to the selected shipping option to the point of distribution.

Schilling teaches an Internet based method that customized package orders with step of determining shipping methods based on the shipping destination and selected gift option (paragraph 86; teaching a method of shipping options to be displayed to the user);

offering the determined shipping methods to a user (paragraph 86; teaching a method of displaying a variety of shipping options to the user);

receiving a selected shipping option from a user (paragraph 86; teaching a

method of receiving a shipping option from the user); and,

transmitting information corresponding to the selected shipping option to the

point of distribution (paragraphs 87 and 88, describing an Order Summary and Order

Confirmation process, both of which include the shipping address).

From this teaching of Schilling, it would have been obvious to one having

ordinary skill in the art at the time of invention to combine the method of Simpson with

the shipping options and transmittal of Schilling in order to give users more options in

shipping of gifts.

As per claim 5, Simpson further teaches:

assembling the customized give package (paragraph 59; teaching the assembly

of greeting card and gift packages);

shipping the customized gift package to the shipping destination (paragraph 59;

teaching a method of sending card and gift packages to "the appropriate shipping

address which is also obtained by the web site during the purchasing process").

As per claim 6, Simpson teaches the claimed invention, as described in claim 5,

and further teaches:

requesting a personalized gift message from a user (paragraph 54; teaching a

method of requesting a personal gift message from the user);

receiving the personalized gift message from the user (paragraph 54; teaching a

method of receiving the personal gift message from the user);

transmitting information corresponding to the received personalized gift message

to the point of distribution (paragraph 54; teaching a method whereby "the personal

message and the type style are transmitted to the product fulfillment house to be printed

on the greeting card accompanying the CD"); and

generating a message card wherein the message card comprises the received

personalized gift message, and including the message card with the customized gift

package prior to shipping (paragraph 59; teaching a method wherein "the personal

message [is] printed on the appropriate greeting card," prior to shipping).

As per claim 7, Simpson teaches the claimed invention but does not explicitly

disclose offering a plurality of container color combinations to a user; and receiving a

selected color combination from a user.

Schilling teaches an Internet based method that customized package orders with

the concept of a method of offering a plurality of container color combinations to a user

(paragraph 118; teaching a method wherein a customer is offered a variety of colors for

an image on a container package, which may include the entire container surface) and

receiving a selected color combination from a user (paragraph 119; teaching a method

of allowing the customer to click on the desired color combination for the container

package).

It would have been obvious to one skilled in the art at the time of the invention to

combine the gift personalization method of Simpson with the container color options

taught by Schilling, in order to give customers a greater degree of control and

customization over their gifts.

As per claim 8, Simpson further teaches:

requesting a personalized gift message from a user (paragraph 54; teaching a

method of requesting a personal gift message from the user);

receiving the personalized gift message from the user (paragraph 54; teaching a

method of receiving the personal gift message from the user); and,

transmitting information corresponding to the received personalized gift message

to the point of distribution (paragraph 54; teaching a method whereby "the personal

message and the type style are transmitted to the product fulfillment house to be printed

on the greeting card accompanying the CD").

As per claim 9, Simpson discloses the above-enclosed invention but fails to

disclose an art option including one or more graphical designs which can be selected by

the user to be included on the customized gift package.

Schilling teaches an Internet based method that customized package orders with

the concept of including the option of one or more graphical designs which can be

selected by the user to be included on the customized gift package (paragraph 6; via

the option to select graphics from "numerous images available in an art library" to be

added to the package.

From this teaching of Schilling, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the method of

Simpson to include the option to select one or more graphical designs for the

customized gift package of Schilling, for the purpose of aiding the user in customizing

the package.

As per claim 10, Simpson discloses the above-enclosed invention, but fails to teach the method of offering a plurality of art options that includes offering to receive a graphic file from a user.

Schilling teaches an Internet based method that customized package orders with the concept of offering to receive a graphic file from a user for purposes of using the graphic file for customized packages (paragraph 139; teaching a method wherein "the graphics from the selected file from the customer's computer is uploaded to a server" for purposes of creating custom packages).

From this teaching of Schilling, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Simpson to include the option to receive a graphic file from a user, as taught by Schilling, for the purpose of providing the user with enhanced customization options.

As per claim 11, Simpson discloses the above-enclosed invention, and further teaches:

offering a list of occasion options to a user (paragraph 34; teaching a method of birthday options including monthly variations for birthstone comments);

receiving a selected occasion option from a user (paragraph 38, describing the method wherein the user submits the selected options to the database);

wherein the plurality of customized gift package option offered to the user correspond to the selected occasion option (paragraph 34; disclosing at length possible formats for various birthdates, including birthstone information, persons born in that month, and other corresponding facts).

As per claim 14, Simpson teaches a network-based method for enabling a user to send a customized gift package to a recipient, comprising:

offering a web site having a user interface (abstract paragraph 57; teaching a method wherein "the gift is preferably purchased and customized through an Internet web site or other electronic system);

displaying through the user interface a plurality of customized gift package options (paragraphs 3 and 9; teaching a plurality of gift cards and gifts available to the user);

receiving a selected gift package option from a user (paragraph 57; via the selection of the gift wrap box);

offering a plurality of gift options to the user (paragraphs 53-57; teaching a series of customization options);

receiving a selected gift option from a user (paragraph 37; teaching a card selection technique for online users);

transmitting information corresponding to the selected gift package option and the selected gift option to at least one point of distribution for assembly and shipping of a customized gift package comprising the selected gift package option and the selected gift option (paragraph 37; teaching a method wherein the "company offering the card and maintaining the web site" creates and ships the customized gift cards package).

Simpson fails to teach the method of offering a plurality of art options that includes offering to receive a graphic file from a user.

Schilling teaches an Internet based method that customized package orders with the concept of offering to receive a graphic file from a user for purposes of using the graphic file for customized packages (paragraph 139; teaching a method wherein "the graphics from the selected file from the customer's computer is uploaded to a server" for purposes of creating custom packages).

From this teaching of Schilling, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Simpson to include the option to receive a graphic file from a user, as taught by Schilling, for the purpose of providing the user with enhanced customization options.

As per claim 16, Simpson further discloses the use of a computer-readable storage medium comprising executable code for instructing a computer to perform the method of claim 1 (paragraph 14; disclosing a "computer-readable storage medium" for purposes of executing a personalized greeting card system).

As per claim 18, as best understood, Simpson teaches a computer data signal embodied in a carrier wave (paragraph 14; disclosing a computer-readable storage medium utilizing data signals and carrier waves) and representing sequences of instructions which, when executed by a processor, provide a customized gift package to a recipient, by performing the following:

offering a web site having a user interface (abstract paragraph 57; teaching a method wherein "the gift is preferably purchased and customized through an Internet web site or other electronic system);

displaying through the user interface a plurality of customized gift package

options (paragraphs 3 and 9; teaching a plurality of gift cards and gifts available to the

user);

receiving a selected gift package option from a user (paragraph 57; via the

selection of the gift wrap box);

offering a plurality of gift options to the user (paragraphs 53-57; teaching a series

of customization options);

receiving a selected gift option from a user (paragraph 37; teaching a card

selection technique for online users);

transmitting information corresponding to the selected gift package option and

the selected gift option to at least one point of distribution for assembly and shipping of

a customized gift package comprising the selected gift package option and the selected

gift option (paragraph 37; teaching a method wherein the "company offering the card

and maintaining the web site" creates and ships the customized gift cards package).

Simpson fails to teach the method of offering a plurality of art options that

includes offering to receive a graphic file from a user.

Schilling teaches an Internet based method that customized package orders with

the concept of offering to receive a graphic file from a user for purposes of using the

graphic file for customized packages (paragraph 139; teaching a method wherein "the

graphics from the selected file from the customer's computer is uploaded to a server" for

purposes of creating custom packages).

From this teaching of Schilling, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the method of

Simpson to include the option to receive a graphic file from a user, as taught by

Schilling, for the purpose of providing the user with enhanced customization options.

As per claim 20, Simpson teaches a system for enabling a user to send a

customized gift package to a recipient, comprising:

a user interface (abstract paragraph 57; teaching a method wherein "the gift is

preferably purchased and customized through an Internet web site or other electronic

system);

an interaction module in communication with a processor and the user interface,

wherein the interaction module comprises executable instructions for a processor to

interact with a user through the user interface by:

offering a plurality of customized gift package options (paragraphs 3 and 9;

teaching a plurality of gift cards and gifts available to the user);

receiving a selected gift package option from a user (paragraph 57; via the

selection of the gift wrap box);

offering a plurality of gift options to the user (paragraphs 53-57; teaching a series

of customization options);

receiving a selected gift option from a user (paragraph 37; teaching a card

selection technique for online users); and,

a distribution module in communication with the processor and the interaction

module, wherein the interaction module transmits information corresponding to the

selected gift package option and selected gift option to the distribution module, and wherein the distribution module comprises executable instructions for assembly and shipping of a customized gift package (paragraph 37; teaching a method wherein the "company offering the card and maintaining the web site" creates and ships the customized gift cards package).

Simpson fails to teach the system of offering a plurality of art options that includes offering to receive a graphic file from a user.

Schilling teaches an Internet based system that customized package orders with the concept of offering of offering to receive a graphic file from a user for purposes of using the graphic file for customized packages (paragraph 139; teaching a method wherein "the graphics from the selected file from the customer's computer is uploaded to a server" for purposes of creating custom packages).

From this teaching of Schilling, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Simpson to include the option to receive a graphic file from a user, as taught by Schilling, for the purpose of providing the user with enhanced customization options.

As per claim 21, Simpson teaches a method for providing a customized gift package to a recipient, comprising:

providing a web site having a user interface (abstract paragraph 57; teaching a method wherein "the gift is preferably purchased and customized through an Internet web site or other electronic system);

displaying through the user interface a plurality of customized gift package options (paragraphs 3 and 9; teaching a plurality of gift cards and gifts available to the user);

receiving a selected gift package option from a user (paragraph 57; via the selection of the gift wrap box);

displaying through a user interface a plurality of gift options to the user (paragraphs 53-57; teaching a series of customization options);

receiving through the user interface a selected gift option from a user (paragraph 37; teaching a card selection technique for online users);

transmitting information corresponding to the selected gift package option and the selected gift option to at least one point of distribution for assembly and shipping of a customized gift package comprising the selected gift package option and the selected gift option (paragraph 37; teaching a method wherein the "company offering the card and maintaining the web site" creates and ships the customized gift cards package).

Simpson fails to teach the method of offering a plurality of art options that includes offering to receive a graphic file from a user.

Schilling teaches an Internet based method that customized package orders with the concept of offering to receive a graphic file from a user for purposes of using the graphic file for customized packages (paragraph 139; teaching a method wherein "the graphics from the selected file from the customer's computer is uploaded to a server" for purposes of creating custom packages).

From this teaching of Schilling, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the method of

Simpson to include the option to receive a graphic file from a user, as taught by

Schilling, for the purpose of providing the user with enhanced customization options.

7.   **Claims 4 and 12, 13, 15, 17 and 19 are rejected under 35 U.S.C 103(a) as**

being unpatentable over Simpson in view of Schilling, as applied to claim 1

above, and further in view of Aghassipour (Pub. #20040243353 A1).

As per claim 4, the combination of Simpson and Schilling teaches the above-

enclosed invention, but fail to teach the method of determining shipping methods by

means of accessing a weather forecasting database; retrieving forecasted high

temperature data corresponding to the shipping destination for a predetermined number

of days; comparing the retrieved forecasted high temperature data with a plurality of

shipping methods, wherein each shipping method comprises a recommended maximum

temperature for the selected gift option; offering to the user a list of shipping methods in

which the recommended maximum temperature is greater than or equal to the

forecasted high temperature data; and receiving a selected shipping option from the

user.

Aghassipour teaches a method of generating a list of package shipment routes

with the step of accessing a weather forecasting database (paragraph 28; teaching

access to a "weather database" storing "forecasted (real-time weather)");

retrieving forecasted high temperature data corresponding to the shipping

destination for a predetermined number of days (paragraph 35; teaching a method to

determine the temperature profile, including high temperatures, of shipping methods

over the length of the shipping profile);

comparing the retrieved forecasted high temperature data with a plurality of

shipping methods, wherein each shipping method comprises a recommended maximum

temperature for the selected gift option (paragraph 6; teaching a method wherein a

system "analyzes all of the possible shipping carrier and shipment options" according to

temperatures profiles, including maximum temperature, and compares the same to the

input parameters of desired maximum temperature);

offering to the user a list of shipping methods in which the recommended

maximum temperature is greater than or equal to the forecasted high temperature data

(paragraph 6; teaching a method wherein a system "gives the shipper the ability to rank

and select the possible routes" that comply with the temperature constraints); and,

receiving a selected shipping option from the user (paragraph 6; teaching a

system wherein the user may select an offered shipping option).

From this teaching of Aghassipour, it would have been obvious to a person

having ordinary skill in the art at the time the invention was made to modify the methods

of Simpson and Schilling to include the temperature profile method of Aghassipour in

order to allow shippers greater control over the maximum temperature endured by their

products.

As per claim 12, the combination of Simpson and Schilling teaches the above-enclosed invention, but fail to teach the method of determining shipping methods by means of comparing a forecasted high temperature for the shipping destination with a plurality of shipping methods, wherein each shipping method comprises a recommended maximum temperature for shipping the selected gift option; and offering to the user a list of shipping methods in which the recommended maximum temperature is greater than or equal to the forecasted high temperature.

Aghassipour teaches a method of generating a list of package shipment routes with the step of comparing the retrieved forecasted high temperature data with a plurality of shipping methods, wherein each shipping method comprises a recommended maximum temperature for the selected gift option (paragraph 6; teaching a method wherein a system "analyzes all of the possible shipping carrier and shipment options" according to temperatures profiles, including maximum temperature, and compares the same to the input parameters of desired maximum temperature); and,

offering to the user a list of shipping methods in which the recommended maximum temperature is greater than or equal to the forecasted high temperature data (paragraph 6; teaching a method wherein a system "gives the shipper the ability to rank and select the possible routes" that comply with the temperature constraints).

From this teaching of Aghassipour, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine the method of Simpson and Schilling to include temperature forecast method of

Aghassipour in order to allow shippers greater control over the maximum temperature

endured by their products.

As per claim 13, the combination of Simpson and Schilling teaches the above-

enclosed invention, but fail to teach the method determining shipping options via

retrieving from a weather service current forecasted high temperature data

corresponding to the shipping destination for a predetermined number of days.

Aghassipour teaches a method of generating a list of package shipment routes

with the step of determining shipping options via retrieving from a weather service

current forecasted high temperature data corresponding to the shipping destination for a

predetermined number of days (paragraph 35; teaching a method to determine the

temperature profile, including high temperatures, of shipping methods over the length of

the shipping profile).

From this teaching of Aghassipour, it would have been obvious to a person

having ordinary skill in the art at the time the invention was made to combine the

methods of Simpson and Schilling to include the weather forecast of Aghassipour in

order to allow shippers greater control over the maximum temperature endured by their

products.

As per claim 15, Simpson teaches a network-based method for enabling a user

to send a customized gift package to a recipient, comprising:

providing a web site having a user interface (abstract paragraph 57; teaching a

method wherein "the gift is preferably purchased and customized through an Internet

web site or other electronic system);

displaying through the user interface a plurality of customized gift package

options (paragraphs 3 and 9; teaching a plurality of gift cards and gifts available to the

user);

receiving a selected gift package option from a user (paragraph 57; via the

selection of the gift wrap box);

displaying a plurality of gift options to the user (paragraphs 53-57; teaching a

series of customization options);

receiving a selected gift option from a user (paragraph 37; teaching a card

selection technique for online users);

receiving a shipping destination from a user (paragraph 59; teaching a method of

receiving "an appropriate shipping address" which is "obtained by the web site during

the purchasing process" in order to permit the shipper to know where to send the gift);

Simpson does not teach determining one or more shipping methods based on

the shipping destination and the selected gift option; displaying through the user

interface one or more shipping methods; receiving at the user interface a selected

shipping option from a user; and transmitting information corresponding to the selected

gift package option, the selected gift option, and the selected shipping option to at least

one point of distribution for assembly and shipping of a customized gift package

comprising the selected gift package option and the selected gift option; wherein

determining one or more shipping methods based on the shipping destination and the

selected gift option comprises comparing a forecasted high temperature for the shipping

destination, a plurality of shipping methods, wherein each shipping method comprises a

recommended maximum temperature for shipping the selected gift option and offering

to the user a list of shipping methods in which the recommended maximum temperature

is greater than or equal to the forecasted high temperature.

Schilling teaches an Internet based method that customized package orders with

the concept of determining shipping methods based on the shipping destination and

selected gift option (paragraph 86; teaching a method of shipping options to be

displayed to the user);

offering the determined shipping methods to a user (paragraph 86; teaching a

method of displaying a variety of shipping options to the user);

receiving a selected shipping option from a user (paragraph 86; teaching a

method of receiving a shipping option from the user); and,

transmitting information corresponding to the selected shipping option to the

point of distribution (paragraphs 87 and 88, describing an Order Summary and Order

Confirmation process, both of which include the shipping address).

From this teaching of Schilling, it would have been obvious to one having

ordinary skill in the art at the time of invention to combine the method of Simpson with

the shipping options and transmittal of Schilling in order to give users more options in

shipping of gifts.

Further, Aghassipour teaches a method of generating a list of package shipment

routes with the step of accessing a weather forecasting database (paragraph 28;

teaching access to a "weather database" storing "forecasted (real-time weather)");

retrieving forecasted high temperature data corresponding to the shipping

destination for a predetermined number of days (paragraph 35; teaching a method to

determine the temperature profile, including high temperatures, of shipping methods

over the length of the shipping profile);

comparing the retrieved forecasted high temperature data with a plurality of

shipping methods, wherein each shipping method comprises a recommended maximum

temperature for the selected gift option (paragraph 6; teaching a method wherein a

system "analyzes all of the possible shipping carrier and shipment options" according to

temperatures profiles, including maximum temperature, and compares the same to the

input parameters of desired maximum temperature);

From this teaching of Aghassipour, it would have been obvious to a person

having ordinary skill in the art at the time the invention was made to modify the methods

of Simpson and Schilling to include the temperature profile method of Aghassipour in

order to allow shippers greater control over the maximum temperature endured by their

products.

As per claim 17, Simpson further discloses the use of a computer-readable

storage medium comprising executable code for instructing a computer to perform the

method of claim 12 (paragraph 14; disclosing a "computer-readable storage medium"

for purposes of executing a personalized greeting card system).

As per claim 19, as best understood, Simpson teaches a computer data signal

embodied in a carrier wave (paragraph 14; disclosing a computer-readable storage

medium utilizing data signals and carrier waves) and representing sequences of

instructions which, when executed by a processor, provide a customized gift package to a recipient, by performing the following:

protecting a web site having a user interface (abstract paragraph 57; teaching a method wherein "the gift is preferably purchased and customized through an Internet web site or other electronic system);

displaying through the user interface a plurality of customized gift package options (paragraphs 3 and 9; teaching a plurality of gift cards and gifts available to the user);

receiving a selected gift package option from a user (paragraph 57; via the selection of the gift wrap box);

displaying a plurality of gift options to the user (paragraphs 53-57; teaching a series of customization options);

receiving a selected gift option from a user (paragraph 37; teaching a card selection technique for online users);

receiving a shipping destination from a user (paragraph 59; teaching a method of receiving "an appropriate shipping address" which is "obtained by the web site during the purchasing process" in order to permit the shipper to know where to send the gift);

Simpson does not teach determining one or more shipping methods based on the shipping destination and the selected gift option; displaying through the user interface one or more shipping methods; receiving at the user interface a selected shipping option from a user; and transmitting information corresponding to the selected gift package option, the selected gift option, and the selected shipping option to at least

one point of distribution for assembly and shipping of a customized gift package

comprising the selected gift package option and the selected gift option; wherein

determining one or more shipping methods based on the shipping destination and the

selected gift option comprises comparing a forecasted high temperature for the shipping

destination, a plurality of shipping methods, wherein each shipping method comprises a

recommended maximum temperature for shipping the selected gift option and offering

to the user a list of shipping methods in which the recommended maximum temperature

is greater than or equal to the forecasted high temperature.

Schilling teaches an Internet based method that customized package orders with

the concept of determining shipping methods based on the shipping destination and

selected gift option (paragraph 86; teaching a method of shipping options to be

displayed to the user);

offering the determined shipping methods to a user (paragraph 86; teaching a

method of displaying a variety of shipping options to the user);

receiving a selected shipping option from a user (paragraph 86; teaching a

method of receiving a shipping option from the user); and,

transmitting information corresponding to the selected shipping option to the

point of distribution (paragraphs 87 and 88, describing an Order Summary and Order

Confirmation process, both of which include the shipping address).

From this teaching of Schilling, it would have been obvious to one having

ordinary skill in the art at the time of invention to combine the method of Simpson with

the shipping options and transmittal of Schilling in order to give users more options in shipping of gifts.

Further, Aghassipour teaches a method of generating a list of package shipment routes with the step of accessing a weather forecasting database (paragraph 28; teaching access to a "weather database" storing "forecasted (real-time weather)");

retrieving forecasted high temperature data corresponding to the shipping destination for a predetermined number of days (paragraph 35; teaching a method to determine the temperature profile, including high temperatures, of shipping methods over the length of the shipping profile);

comparing the retrieved forecasted high temperature data with a plurality of shipping methods, wherein each shipping method comprises a recommended maximum temperature for the selected gift option (paragraph 6; teaching a method wherein a system "analyzes all of the possible shipping carrier and shipment options" according to temperatures profiles, including maximum temperature, and compares the same to the input parameters of desired maximum temperature);

From this teaching of Aghassipour, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the methods of Simpson and Schilling to include the temperature profile method of Aghassipour in order to allow shippers greater control over the maximum temperature endured by their products.
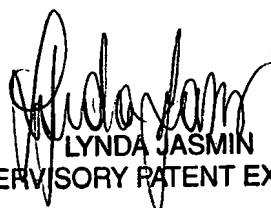
Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Spiegel (Pub. #20030120505) describes a method, system, and computer-readable medium for delivering ordered items to an appropriate address.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abraham J. Granderson whose telephone number is 571-270-5098. The examiner can normally be reached on Monday through Thursday, 7:30 to 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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